

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

AARON CARTER,

Defendant.

18 Cr. 390 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the attached letter from defendant Aaron Carter, seeking compassionate release. On June 11, 2020, the Court denied Mr. Carter's initial motion for compassionate release. Dkt. 465. As in connection with Mr. Carter's initial motion, the Court asks Richard Rosenberg, Esq., Mr. Carter's counsel, to submit a memorandum in support of Mr. Carter's renewed motion. This memorandum is due December 3, 2020. The Government's response is due December 10, 2020. The Court does not invite a reply.



PAUL A. ENGELMAYER
United States District Judge

Dated: November 20, 2020
New York, New York

Rec'd 11/20/20
mm

18CR0390-4(PAE)

Aaron Carter
Reg. No. 50001-054
PO BOX 2000
Joint Base MDL, NJ 08640

November 8, 2020

Honorable Judge Engelmayer,

My name is Aaron Carter, registration number 50001-054, docket number: 18-CR-390-04. I'm writing you seeking Compassionate Release/Reduction in sentence and to inform you of the recent developments here at Fort Dix FCI. I have enclosed several memos to the inmate population from various staff members of the institution; warnings of the steady increase of covid-19 cases. Since the last memo dated 10/26/20, there have been even more cases confirmed. I am not completely sure what the BOP website total count is as of today, but it is to my understanding peaked to over 100 confirmed cases placing this institution as the leader in covid-19 cases in the BOP.

The quarantine building for these positive cases is literally 50 yards away from the building I reside in. We are still being made to walk across the compound to pick up our meals from the kitchen where this recent outbreak began. The building in which the kitchen workers were housed is the building that is locked down, and currently being tested in its entirety. Although they have new kitchen workers from another building working now, it doesn't change the fact that the prior workers were infected, serving our meals, and placing us at risk. I fear it is only a matter of time before more get infected, and this could possibly include me.

Also, there have been multiple buses of inmates transferred from other prison's including inmates from Elkton, FCI which was one of the institutions that was most affected by this pandemic when it first began, until now. I find this to be negligible on the part of the BOP and the Fort Dix institution. Social distancing is impossible at this institution, therefore, how can I feel safe?

Futhermore, I think it is extremely relevant that I am a graduate of the Residential Drug Abuse Program (RDAP). I feel this gives me the best chance to succeed in the pro-social world. During my tenure in this program I became a mentor,

and senior guide to over 200 inmates. Through this program I was able to gain connection with my son's mother Lakisha Andrews. After hearing of my progress in this program, and notice of change in my behavior she has allowed me to now finally have contact with my son Nicholas Andrews.

I have a job promised to me in the Construction trade, working for a company called "Highliner", who has already agreed to place me on their payroll upon release. I have a solid support network to include, AA/NA, TDAT, and my home church in the Bronx. I will reside at 54 Evelyn Place, Apartment 4G in Bronx, New York with my mother, so I can be hands on with her.

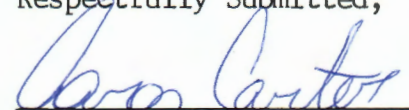
Your Honor, to compel the severity of this situation my mother is currently a high risk diabetic. I have had 4 other family members suffer death due to this fatal virus. My mother has need of me; to care for her as well as my 4 children, grandson, and girlfriend who has supported me since I was 13 years old.

The RDAP program has helped me to put the final pieces together, and prepare me for my return to society. All I want to do is be a productive tax paying citizen at home safely with my children, family, and loved ones. I am not the same man who was sentenced nearly 30 months ago. I am now a low risk pattern inmate, who has no desire to return to prison or do anything that would endanger my freedom or hurt the people I love.

During my time in RDAP, I have learned such things as challenging my criminal thinking and irrational beliefs, as well as coping skills to deal with stress if and when my back lands against the wall. I have also learned what my triggers are, and ways to prevent myself from being in situations that are high risk. I have developed a safety net of positive people that I intend to surround myself with daily. I understand covid-19 will not magically go away, therefore, I humbly ask you to grant me the opportunity to utilize what I learned in this program to go home and stay home.

Again, thank you very much for your time and your help.

Respectfully Submitted,



Aaron Carter
Reg. No. 50001-054

11-16-20

DEAR HONORABLE JUDGE ENGELMAYER

I AARON CARTER 50001-054 AM WRITING
YOUR HONOR TO BRING TO YOUR ATTENTION
AGAIN THAT FORT DIX, IS EXPLODING
WITH COVID-19 CASES. COVID-19 IS AT
AN ALL TIME HIGH HERE AND INCREASING
BY THE DAY. FORT DIX IS NOW NUMBER
ONE SYSTEM WIDE WITH COVID-19 CASES.
THERE ARE MORE THAN 300 CASES CURRENTLY
SOMEONE IN MY BUILDING HAS CONTRACTED
THE VIRUS. STAFF IS TESTING POSITIVE AS
WELL. FOR THE LAST WEEK I HAVE BEEN
IN QUARANTINE WITH OVER 70 OTHER
INMATES ON THE TOP FLOOR (3RD) IN UNIT
5852. THIS IS A VERY DANGEROUS SITUATION
THE ONLY DOOR'S TO THE FLOOR ARE LOCKED
ALL DAY. THE OFFICER OF THE BUILDING
IS LOCATED ON THE 1ST FLOOR MEANING
HE/SHE IS TWO FLOOR'S AWAY AND INACCE-
SSIBLE IN CASE OF AN EMERGENCY. THERE
ARE NO CAMERAS. IF THERE IS SOMEONE
WHO GET'S SICK THERE IS NO WAY TO

TO ALERT THE ONLY OFFICER ON DUTY
AND INDEED THERE IS ONLY ONE OFFICER
ON DUTY IN THE EVENING. THE STRESS
AND TENSION AMONGS THE MEN ON THE
FLOOR IS OVER THE ROOF AS YOU MIGHT
IMAGINE AND IT IS ONLY DAY 7 OF OUR 21
DAY LOCK DOWN. I CANNOT COMMUNICATE
WITH THE OUTSIDE WORLD. I DO NOT HAVE
ACCESS TO PHONES, COMPUTERS FOR EMAILS
OR EVEN T.V. TO KEEP UP WITH CURRENT
EVENTS. I RECIEVE LETTER FROM MY
LAWYER SAYING YOU DENIED MY MOTION
BECAUSE I DID NOT HAVE ENOUGH TIME
IN, BUT I COMPLETED EVERYTHING THAT
YOU ASK OF ME. MY FAMILY IS PANICKED
& AWARE OF THE SITUATION HERE AT FORT
DIX. AGAIN I PRAY YOUR HONOR, PLEASE
TAKE THIS REQUEST INTO CONSIDERATION
DUE TO THE SPREAD OF THE COVID-19
HERE AT FORT DIX.

Respectfully
Aaron Carter
50001-054

Certificate of Achievement

Presented to

Aaron Carter

**For successfully completing
The residential portion of the**

Residential Drug Abuse Treatment Program

This milestone, while significant, is not the completion of the treatment requirements. Aaron Carter is hereby eligible to move forward to the follow-up and/or community treatment components of RDAP.


**D. Curry, Psy.D., DAP Coordinator
FCI Fort Dix**

11/13/2020

Date

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TUESDAY, NOV. 10, 2020 | THE PHILADELPHIA INQUIRER | B3

THE CORONAVIRUS

For more coverage and the latest news,
go to [inquirer.com/coronavirus](https://www.inquirer.com/coronavirus)

N.J. senators warn of crisis at Fort Dix prison

By Samantha Melamed
STAFF WRITER

On Oct. 29, the prisoners of unit 5812 at Federal Correctional Institution Fort Dix, the low-security prison in central New Jersey, were invited to a town-hall meeting about the COVID-19 outbreak raging through the facility.

A list of about 70 names had been posted behind plexiglass. The remaining 150 men who could not find their names on the list were told to assume they had tested positive, advocates said. Their cell block was now a quarantine unit.

One, Troy Wragg, whose complex medical conditions had already left him wheelchair-bound, had been the lead plaintiff in a lawsuit filed by the ACLU of New Jersey seeking release for a class of medically vulnerable people. A federal judge dismissed the case in May. Now, Wragg wrote to his wife, his fears had been confirmed: "I am sick. It is official. Prayers and hard work are all that will help."

Families and advocates are raising alarms about the conditions at Fort Dix, where 229 prisoners and 12 staff are now sick. They say the outbreak was preventable — and blame the federal Bureau of Prisons (BOP) for transferring 150 prisoners this fall from Ohio's FCI Elkton, where more than 1,000 prisoners and staff have been infected.

On Monday afternoon, New Jersey's U.S. senators, Cory Booker and Bob Menendez, sent a letter to the U.S. Bureau of Prisons calling the situation a "rapidly escalating crisis." The situation, they said, demands an indefinite moratorium on inmate transfers, and immediate testing of all staff and prisoners.

"It is clear that BOP does not have an effective plan to ensure COVID-19 positive inmates are not transferred between facilities," they wrote to BOP Director Michael Carvajal. They added: "All FCI Fort Dix inmates, staff, and the surrounding communities are now at increased risk for contracting COVID-19, with po-

tentially deadly consequences."

The Bureau of Prisons did not respond to a request for comment on Monday afternoon.

As recently as mid-October, U.S. attorneys opposing compassionate release motions by Fort Dix prisoners argued that "the BOP has taken effective steps to limit the transmission of COVID-19."

Videos purportedly taken by a prisoner inside 5812 and circulating among family members show a unit in chaos — debris scattered and trash overflowing — a by-product of a shortage of staff and healthy inmate workers, according to family members.

Wragg's wife, Megan Hallett Wragg, 28, said her husband sounds hoarse and out of breath. "He barely has a voice. It's very raspy. He's coughed up blood from coughing so much," she said.

Wragg told her he was not receiving medical attention. He added that the prison's medical director said the disease would have to "run its course."

Shannon Clark Moses said her husband Joshua, 39, was in the

same unit as Wragg. "There's no way we can socially distance," he told her. He described hanging towels around his bunk, a fort to keep out the disease.

On Oct. 29, Joshua found out he was on the list of those who'd tested negative. That night, they were moved to a different building. But, within days, he too was feeling lethargic and feverish. He tested positive, and was instructed to carry his mattress and belongings back to quarantine.

The last time Moses heard from him, a week ago, he told her he couldn't breathe. "I'm hearing about men passing out. He said big, healthy, strong men ... he's watching them pass out on the floor, and be carried off," said Moses, 38, of North Philadelphia.

The situation at Fort Dix, which has a population of 2,600, has been at the center of a series of federal lawsuits waged by prisoners seeking compassionate release.

Those petitions have largely been denied by judges who cited the low incidence of infections

there — but that could be changing. On Nov. 3, a judge in the Eastern District of New York granted release for Daniel Mongelli, citing "the failure of the Bureau of Prisons to prevent and control a COVID-19 outbreak at FCI Fort Dix."

Currently, Fort Dix has the second-highest number of infections in the federal system, behind a Bastrop, Texas, federal prison.

At Philadelphia's Federal Detention Center — where about 90 prisoners on one unit have been tested as a result of federal litigation — 68 tests have so far come back positive.

That's according to Linda Dale Hoffa, a lawyer with Dilworth Paxson representing a group of prisoners in a federal habeas petition.

"Our concern from the beginning is they do not test their correctional officers," she said.

"The numbers are very, very alarming — and they're fast approaching what's happening at Fort Dix."

✉ smelamed@inquirer.com

JOINT BASE MCGUIRE-DIX-LAKEHURST The number of COVID-19 cases inside FCI Fort Dix nearly tripled on Friday, according to data reported by the Federal Bureau of Prisons.

As of Oct.. 30, 165 inmates inside the federal prison had tested positive for the virus, nearly tripling the 59 cases the previous day. Eight staff members have also tested positive.

Zero deaths have been reported.

2. 2-FCI Fort Dix now has the second highest amount of active cases out of 122 facilities in the federal prison system, according to Bureau data. FCI Big Spring in Texas is the only facility with more, reporting 188 COVID infected inmates as of Friday.

In May, The American Civil Liberties Union of New Jersey filed a federal petition on behalf of Troy Wragg and three others calling for the immediate, temporary release of all medically vulnerable inmates at FCI Fort Dix.

The filing came after 40 inmates at the federal prison tested positive.

On Thursday, a BOP spokesperson denied advocates claims that sick inmates were sharing the same living quarters as non-sick inmates.

3. 3-Last week, the ACLU filed a lawsuit against against the BOP, the U.S. Department of Justice, and the U.S. Department of Health and Human Services seeking information about the federal government's response to the coronavirus in detention facilities across the country.

The suit alleges the agencies have failed to produce any records "while publicly declaring victory over the virus."

It is grotesque enough that our federal government has failed to protect people in jails and prisons from COVID-19 people with lives, families, and constitutional rights. But they have also hidden that failed response from the public while claiming there's nothing to see here," said Somil Trivedi, senior staff attorney with the ACLU's Criminal Law Reform Project, in a statement.

According to the ACLU, more than 1,250 incarcerated people have died due to COVID-19.



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
P.O. Box 38
JBMDL, New Jersey 08640

October 9, 2020

MEMORANDUM FOR INMATE POPULATION

FROM: LCDR Ronell Copeland, RN, QIICN

SUBJECT: COVID-19 Update

Please be advised, there are currently inmates at FCI Fort Dix who tested positive for COVID-19 and have been placed in isolation.

Continue to observe infection prevention and control measures including maintaining social distancing, sanitizing high touched surfaces, frequent handwashing, avoid touching your eyes, nose and mouth. Also, be sure to cover your cough using a tissue and immediately dispose of the used tissue. Report the following symptoms to health services: fever, cough, shortness of breath, new-onset trouble speaking/difficulty breathing/loss of taste or smell, fatigue, muscle or body aches, sore throat, stuffy/runny nose and GI upset. Finally, it is mandatory that you wear your face covering provided by staff.

Be assured, all inmates being treated for COVID-19 will not be returned to general population until they are medically cleared.

COVID-19 is a respiratory illness spread from person to person through the respiratory droplets of an infected person. There is no vaccine or antiviral medication to treat this disease therefore, prevention is key.

5852

NOTICE TO THE INMATE POPULATION

DATE: April 11, 2020
FROM: D. Ortiz, Warden
SUBJECT: Protecting Yourself and Others

In order to maintain the health of staff and inmates, the following is expected from ALL inmates:

- Wash hands with soap and water for at least 20 seconds.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Clean and disinfect all surfaces with the approved chemical.
- Cover your cough/sneeze with tissue, immediately throw tissue in the trash and wash your hands.
- Wear your surgical face masks! Since Social Distancing is not possible in this environment, masks will help keep you and others from spreading viruses.
- Report symptoms (coughing, sneezing, fever, fatigue, etc.) to Health Services and/or any staff.

We ALL must do our part in protecting ourselves and others from spreading COVID-19!

NOTICE TO INMATE POPULATION
October 15, 2020
Cancellation of Inmate Visiting

Due to a recent increase in the number of positive COVID-19 cases both in the community and the institution, all social visits will be cancelled immediately. The BOP values visitation as an essential part of rehabilitation, but at this time the Department must make difficult decisions in order to protect the health and wellness of all who live, work and visit this institution.

Please contact your visitors to inform them of the change. While this suspension of visitation will be temporary, the Department recognizes the immediate impact this decision may have on incarcerated individuals throughout the correctional system.

We encourage you to use other means and resources available such as TRULINCS and mail to remain connected to your loved ones. During this difficult time, the FCI Fort Dix staff appreciates your patience and understanding as we continue to face this virus together. We will inform you of any changes affecting this matter.



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
P.O. Box 38
Joint Base MDL, New Jersey 08640

October 21, 2020

MEMORANDUM TO INMATE POPULATION

FROM: LCDR Ronell Copeland, RN, QIICN

SUBJECT: Notice to Inmate Population

Please be advised, an inmate housed in SHU tested positive for COVID-19 and was isolated in 5851, 1st floor. A second inmate who exhibited symptoms of COVID-19, despite his negative test result, was isolated in Health Services on the West Compound upon arrival from FCI Elkton.

For Information Purposes:

The virus called Coronavirus (COVID-19), probably emerged from an animal source, is a respiratory disease which spread from person to person via respiratory droplets when an infected person sneezes or coughs. Symptoms including fever, cough, shortness of breath, new-onset trouble speaking/loss of taste or smell, fatigue, muscle or body aches, sore throat, and stuffy/runny nose, which may occur within 2 to 14 days of exposure. There is no vaccine or antiviral medications to treat this disease, prevention is key.



U.S. Department of Justice
Federal Bureau of Prisons
Federal Correctional Institution
P.O. Box 38
Joint Base MDL, New Jersey 08640

October 26, 2020

MEMORANDUM TO INMATE POPULATION

FROM: LCDR Ronell Copeland, RN, QIICN

SUBJECT: Notice to Inmate Population

Please be advised, 54 confirmed cases of COVID-19 identified in unit 5812 have been isolated in unit 5851, 2nd floor. A confirmed case of COVID-19 identified in SHU is being isolated in Health Services, West Compound.

For Information Purposes:

The virus called Coronavirus (COVID-19), probably emerged from an animal source, is a respiratory disease which spread from person to person via respiratory droplets when an infected person sneezes or coughs. Symptoms including fever, cough, shortness of breath, new-onset trouble speaking/loss of taste or smell, fatigue, muscle or body aches, sore throat, and stuffy/runny nose, which may occur within 2 to 14 days of exposure. There is no vaccine or antiviral medications to treat this disease, prevention is key.

F.C.I.
P.O. Box 2000
Fort Dix New Jersey 08640

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HON. PAUL A. ENGEL
United States District Judge
Southern District of New York
40 Foley Square
New York New York 10007